

**Carlos Hernández**  
Mayor

**Isis Garcia-Martinez**  
Council President

**Luis González**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Katharine E. Cue-Fuente**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Summary Agenda March 26, 2013 7:00 P.M.

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### **Meeting was called to order at 7:02 p.m.**

Call to Order/Roll Call of Council Members – **Quorum**

- **Council Members Present:**

1. **Vivian Casals-Muñoz**
2. **Katharine Cue Fuente**
3. **Isis Garcia-Martinez**
4. **Paul Hernandez**
5. **Lourdes Lozano**

- **Council Members Absent:**

1. **Jose Caragol**
2. **Luis Gonzalez**

- **Also present were:**

- **Marbelys Fatjo, Acting City Clerk**
- **Lorena Bravo, Assistant City Attorney**

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Councilwoman Lourdes Lozano

### **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

**Presentations**

1. Announcement of Amendments/Corrections to the Agenda – **Item T was added to the Agenda, and a petition in support of the zoning application for item PZ 5 was placed on the dais.**
2. Consent Agenda – **Motion to Approve the Consent Agenda made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente. – Motion passed 5-0.**
  - A. Request permission to award bid # 2012/13-3230-00-028 and issue a purchase order to Construct Group, Corp., lowest responsive bidder, for the Structural/Building Shell of the Multipurpose Adult Center at the 300 Unit Elderly Housing facility, for a total cumulative amount not to exceed \$128,575. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
  - B. Request permission to award bid # 2012/13-3230-00-018 and issue a purchase order to D'Elite Floors of Miami, LLC., lowest responsive bidder, for the porcelain, ceramic and vinyl tile at the 36 Unit Elderly Housing Project, for a total cumulative amount not to exceed \$99,997. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
  - C. Request permission to award bid # 2012/13-3230-00-024 and issue a purchase order to Marrero Group Builders, LLC., second lowest responsive bidder, for the porcelain, ceramic and vinyl tile at the 72 Unit Elderly Housing Project, for a total cumulative amount not to exceed \$199,700. The lowest bidder is being recommended for award for the tile work of the 36 Unit Elderly Housing Project, and the tile work for both large projects will occur simultaneously. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
  - D. Request permission to award bid # 2012/13-3230-00-003 and issue a purchase order to Marrero Group Builders, LLC., lowest responsive bidder, for painting and waterproofing at the 72 Unit Elderly Housing Project, for a total cumulative amount not to exceed \$191,400. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
  - E. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to HD Supply Power Solutions LTD., for the light fixtures at the 72 Unit Elderly Housing Project, for a total cumulative amount not to exceed \$148,138.69. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
  - F. Request permission to increase purchase order # 2013-352, since it is advantageous to the City due to time constraints for emergency repairs, issued to Miami Dade Electrical Supply, Inc., for the purchase of electrical supplies, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (5-0)**

- G. Request permission to award bid # 2012/13-3230-00-017 and issue a purchase order to Aaron Construction Group, Inc., lowest responsive bidder, for painting and waterproofing at the 36 Unit Elderly Housing Project, for a total cumulative amount not to exceed \$89,000. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
- H. Request permission to increase the contract issued to MVP Builders, Inc. for the shell at the 36 Unit Elderly Housing Project, since it is advantageous to the City due to unforeseen circumstances that caused the contractor's scope of work to change thus increasing the original contract amount, by an additional amount of \$22,281, for a new total cumulative amount not to exceed \$1,171,581. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
- I. Request permission to increase the contract issued to Aaron Construction Group, Inc., for the shell at the 72 Unit Elderly Housing Project, since it is advantageous to the City due to unforeseen circumstances that caused the contractor's scope of work to change thus increasing the original contract amount, by an additional amount of \$18,958.75, for a new total cumulative amount not to exceed \$2,085,958.75. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
- J. Request permission to increase purchase order # 2013-675, since it is advantageous to the City, issued to Rechtiem International Trucks, Inc., for the purchase of truck parts and accessories for city trucks, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$60,000. (FLEET MAINTENANCE DEPT.) **APPROVED (5-0)**
- K. Request permission to increase purchase order # 2013-397, since it is advantageous to the City, issued to Anro Enterprises, Inc., doing business as Diago Dry Cleaners, for uniform laundering and dry cleaning for the entire fiscal year 2013, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FIRE DEPT.) **APPROVED (5-0)**
- L. Proposed resolution authorizing the Mayor and or his designee to execute and implement Budget Amendments to the City of Hialeah Community Development Block Grant (CDBG) Program for Fiscal Year 2012-2013, covering the period from October 1, 2012 through September 30, 2013. (DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (5-0) RESOLUTION NO. 2013-26**
- M. Request permission to increase purchase order # 2013-550, since it is advantageous to the City, issued to Law Enforcement Psychological and Counseling Associates, Inc., for psychological screening services for the hiring of certified police officers, firefighters and the Employee Assistance Program, by an additional amount of \$7,000, for a new total cumulative amount not to exceed \$22,000. (HUMAN RESOURCES DEPT.) **APPROVED (5-0)**
- N. Report of Scrivener's Error – Resolution No. 2013-20, approved by the City Council on March 12, 2013. Correction of authorized funds changed from \$162,524.24 to \$162,564.24; addition of Rainbow Window Tinting, Inc.; and the itemization of amounts to the respective vendors. (LAW DEPT.) **APPROVED (5-0)**

- O. Report of Scrivener's Error – Resolution No. 2013-22, approved by the City Council on March 12, 2013. Addition of Rainbow Window Tinting, Inc., and itemization of the authorized amount of \$128,514.24 to the respective vendors. (LAW DEPT.)
- P. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to Hemag, Inc., for the additional CCTV Installation at Milander Auditorium, for a total cumulative amount not to exceed \$16,000. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
- Q. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to Wegivesoundadvice, Inc., d/b/a Sound Advice, for the audio / visual equipment and installation at the Milander Complex, for a total cumulative amount not to exceed \$40,389.14. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
- R. Request permission to increase the contract issued to G & R Electric, Corp., for the electrical at Milander Auditorium, since it is advantageous to the City due to changes made that were not part of the original contract, by an additional amount of \$62,170, for a new total cumulative amount not to exceed \$563,290.50. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
- S. Request permission to increase purchase order # 2013-1462, since it is advantageous to the City, issued to Art Landscaping, Corp., for landscaping at Milander Auditorium, by an additional amount of \$26,725, for a new total cumulative amount not to exceed \$100,055. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (5-0)**
- T. Proposed resolution urging the Miami-Dade County Board of Commissioner and County Mayor to oppose contracting the "Airport City" project to any company that profiteers and engages in business with the Cuban or Syrian Government, at the expense of freedoms of the citizens of those nations. (ADMINISTRATION AND CO-SPONSORED BY COUNCILWOMAN VIVIAN CASALS-MUÑOZ) **APPROVED (5-0) RESOLUTION NO. 2013-27**
3. Second reading and public hearing of proposed ordinance accepting the Right-of-Way Deed from Bal Bay Realty, Ltd., a Florida Limited Partnership, consisting of approximately 6,294 square feet in total area within the Hialeah Racetrack property located at 2200 East 4 Avenue, Hialeah, Florida as more particularly described within the Right-of-Way Deed, a copy of which is attached hereto and made a part hereof as Exhibit "1"; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (LAW DEPT.) **APPROVED (5-0) ORDINANCE NO. 2013-22**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente.**

4. Second reading and public hearing of proposed ordinance amending Chapter 70 entitled "Retirement and Pensions", Article IV. Employees General Retirement System, of the Code of Ordinances, and in particular, revising Hialeah Code § 70-237 entitled "Compulsory Retirement Age; Extensions" to provide for reemployment of retirees, without affecting retirement benefits, as contract employees under limited circumstances where there exists an operational necessity involving life safety concerns to perform duties of a Public Safety Communications Officer; provide limitations of such reemployment and rename section title; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (LAW DEPT.) **APPROVED (5-0)**  
**ORDINANCE NO. 2013-23**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilman Hernandez.**

5. Board Appointments – **None**
6. Unfinished Business – **None**
7. New Business – **Councilman Hernandez advised that the deadline to apply for the additional homestead exemption for low-income seniors who maintain long-term residency on property has been extended to June 1, 2013.**

**Council President Garcia-Martinez recognized Olga Fulgueira of the office of Miami-Dade County Commissioner Jose "Pepe" Diaz and Lenna Borjes of the office of Miami-Dade County Commissioner Esteban Bovo.**

8. Comments and Questions – **None**

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.**

### **ZONING**

1. **PZ 1.** Second reading and public hearing of proposed ordinance rezoning from M-2 (Industrial District) to C-2 (Liberal Retail Commercial District) and granting a Variance Permit to allow 33 parking spaces, where 84 parking spaces are required, to allow 17 parking spaces to back out on to the street, where back-out parking is allowed only in low density residential areas, to allow a front setback of 14.95 feet, where 20 feet are required, a rear setback of 0.60 feet, where 15 feet are required, to allow no landscape buffer, where a 7-foot buffer is required between the parking area and the right-of-way, and to allow 10.8% pervious area, where 18% is required, contra to Hialeah Code §§98-1115, 98-1117, 98-2189(8), 98-2190, 98-2233. **Property located at 980-990 West 22 Street, Hialeah,**

**Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Serafin Blanco*) **APPROVED (5-0) ORDINANCE NO. 2013-24**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente.**

- PZ 2.** First reading of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2005-106 (November 10, 2005), rezoning property from R-1 (One Family Residential District) to R-O (Residential Office District) to allow the development of a Residential Office according to the Site Plan prepared by Tirso P. Martinez, Architect, and granting a Variance Permit to allow six Business Tax Receipts (Occupational Licenses), where a maximum of two are allowed, contra to Hialeah Code §98-778(2) on property zoned R-O (Residential Office District). **Property located at 4980 Palm Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Smile Art of Miami, Inc. (Item was tabled and removed from table on 3/26/13 – APPROVED (5-0)) (Tirso Martinez spoke on behalf of the applicant, 5729 NW 151 Street, Miami Lakes, FL 33014)*) **APPROVED AS AMENDED (5-0)**

**Motion to Table made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente.**

**Motion to Remove from Table made by Councilwoman Cue-Fuente and seconded by Councilwoman Casals-Muñoz.**

**Motion to Approve as Amended made by Councilman Hernandez and seconded by Councilwoman Cue-Fuente.**

- PZ 3.** First reading of proposed ordinance granting a variance permit to allow a duplex on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, and a total area of 6,750 square feet, more or less, where a total area of at least 7,500 square feet is required, to allow a lot coverage of 35.25%, where a maximum lot coverage of 30% is allowed, to allow a east and west side setbacks of 5 feet, where 7.5 feet are required, and to allow a rear setback of 20 feet, where 25 feet are required, contra to Hialeah Code §§ 98-544, 98-546, 98-547(a) and 98-2056(b)(2). **A vacant lot located at the northeast corner of the intersection between West 1 Avenue and West 14 Street, west of Palm Avenue, Hialeah, Florida with a proposed street address of 41 West 14 Street.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: 41 West 4 Street, LLC*) (*Carlos Perez addressed the Council, 9420 SW 112 Street, Miami, FL*) **APPROVED (5-0)**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilman Hernandez.**

- PZ 4.** First reading of proposed ordinance granting a Variance Permit to allow a total of 39 parking spaces, where 78 parking spaces are required and to waive portions of the

Landscape Manual requiring a seven foot landscaped area between the off-street parking and the right-of-way, requiring one tree for every 35 linear feet of roadway abutting the property and requiring one tree per 80 square feet of interior landscaped area, contra to Hialeah Code §§ 98-2189(15) and 98-2233. **Property located at 620 West 27 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Miguel Rionda*) (*Miguel Rionda, 2005 Sans Souci Boulevard, North Miami, FL 33181 and Joaquin Cendros, 9800 NW 79 Avenue, Hialeah Gardens, FL 33016, addressed the Council*). **APPROVED (5-0)**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded Councilwoman Lozano.**

**PZ 5.** Letter of denial from the Planning and Zoning Official to rezone two parcels of land from R-1 (One Family District) to R-2 (One and Two Family Residential District) and allow each duplex on a lot with a 50-foot frontage, total lot area of 6,750 square feet (75-foot width and 7,500 square foot lot area required for each) and consider granting a variance permit to allow a total lot coverage of 50.4% for each (30% maximum allowed) and side setbacks of 5 feet on each lot (7.5 feet required for each). Property located at 115 West 13 Street, Hialeah. (*Applicant: Eco Hialeah, LLC C/O Eugenio Lage*) (*Item was tabled at the request of the applicant, Eugenio Lage, 7811 Coral Way, Suite 100, Miami, FL*). **TABLED (5-0)**

**Motion to Table made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente.**

### **FINAL DECISIONS**

**FD 1.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 12-04 that granted an adjustment on condition that a concrete block and stucco wall be built along the property's south boundary line, the terrace to be legalized remain open on three sides, and the interior layout of the west side addition be legalized, on property located at **860 East 36 Street, Hialeah, Florida**; and providing for an effective date. **APPROVED (5-0)**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilman Hernandez.**

**Meeting was adjourned at 7:57 p.m.**

**NEXT CITY COUNCIL MEETING: April 9, 2013 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: May 28, 2013 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).